

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 1, 2005

DIVISION ONE

B178909 Jennifer Ann Corona (Not for Publication)
 v.
 Marcel Babakhyi

The request for dismissal of this appeal is granted. The appeal filed on October 18, 2004 is dismissed with prejudice. In accordance with their stipulation, the parties are to bear their own costs on appeal. The remittitur shall issue forthwith.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

B173711 Mehmood Darjee (Not for Publication)
 v.
 Laboratory Corp. of America

On LabCorp's appeal: (1) the judgment is reversed in part with respect to punitive damages; (2) the order denying LabCorp's motion for partial JNOV on punitive damages is reversed; and (3) the trial court is directed to enter a partial JNOV for LabCorp on the punitive damages claim. In all other respects, the judgment is affirmed. The parties are to bear their own costs.

On Darjee's cross-appeal: (1) the appeal from the order of remittitur is dismissed as moot; and (2) the order awarding attorney fees of \$267,750 without applying a multiplier is affirmed. The parties are to bear their own costs.

Rothschild, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B177657 Carl M. Gage (Not for Publication)
 v.
 Network Appliance, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B179811 Abdul Massih Rizk et al. (Not for Publication)
 v.
 Amy E. Douglas

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B185561 Rachel R., and Avelino H. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles Dept of Children and Family Services, r.p.i.)

The petitions for writ of mandate are granted. The finding that returning the children to the parents' custody would create a substantial risk of detriment is reversed. The matter is remanded to the dependency court with directions: (1) to vacate the order setting the matter for a permanency planning hearing under section 366.26; (2) to order the children's return to their parents' custody; and (3) to terminate jurisdiction.

Rothschild, J.

I concur: Vogel (Miriam A.), Acting P.J.
I concur and dissent: Mallano, J. (Opinion)

DIVISION ONE (Continued)

B178451 Cheryl Lynn Stephen (Not for Publication)
v.
Ford Motor Company et al.

The cost award in the October 5, 2004 judgment in favor of Ford in the amount of \$150,663.16 is reduced by \$52,847.01 for the reasons stated in Part I, *ante*, so that the amount of the award is \$97,816.15 and, as modified, affirmed.

The cost award in the October 12, 2004 judgment in favor of Firestone in the amount of \$85,040 is reduced by \$5,997.27 for the reasons stated in Parts A, B, and F, *ante*, so that the amount of the award is \$79,042.73 and, as modified, affirmed.

The parties are to pay their own costs of this appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

B169138 People (Not for Publication)
v.
Darrin Levar Armstrong et al.

The finding that defendant Armstrong used a gun in the false imprisonment of Camry (Pen. Code, § 12022.5, subd. (a)(1)) is reversed. In all other respects, the judgments are affirmed. The clerk of the court is directed to prepare a corrected abstract of judgment omitting the enhancement under Penal Code section 12022.5, subdivision (a)(1), on count 6 and to forward a copy to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

December 1, 2005 (Continued)

DIVISION ONE (Continued)

B178042 People (Not for Publication)

V.

Rogers Yuilan Chui

The judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.

I concur in the judgment only: Vogel (Miriam A.), J. (Opinion)

B175408 Cheryl Lynn Stephen (Not for Publication)

V.

Ford Motor Company et al.

The judgment is affirmed. Ford and Firestone are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Rothschild, J.

B174475 People (Not for Publication)

V.

Jason Feliz Lozano et al.

The judgment against defendant Lozano is modified to strike the sentence enhancement under Penal Code section 12022, subdivision (a)(1), and defendant is awarded an additional day of presentence custody credit. As modified, the judgment is affirmed. The clerk of the court is directed to prepare a corrected abstract of judgment and forward a copy to the Department of Corrections. The judgment against defendant Lopez is affirmed.

Spencer, P.J.

I concur: Rothschild, J.

I concur in the judgment only: Vogel (Miriam A.), J.

December 1, 2005 (Continued)

DIVISION ONE (Continued)

B174743 Anna Mace (Not for Publication)
 v.
 City of Long Beach

The order is reversed and the matter is remanded for further proceedings.
Plaintiff is to recover her costs on appeal.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

DIVISION TWO

B175110 People (Not for Publication)
 v.
 Samuels

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B179149 Los Angeles County, D.C.S.
 v.
 Marisol P.

Filed order denying petition for rehearing.

DIVISION THREE

B174255 Philippe Ney et al, (Not for Publication)
 v.
 Jean Pierre Murray

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B179032 Andrew Shourd et al., (Not for Publication)
 v.
 S&H Sales Co., Inc. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B181414 Los Angeles County, D.C.S. (Not for Publication)
 v.
 T.P.,

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

December 1, 2005 (Continued)

DIVISION FOUR

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
Grimes, J. (Assigned)

B170479 People (Not for Publication)
v.
Leon

The judgment is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.
Willhite, J.

B176286 Weaver
v.
Chavez, Jr.

Filed order denying petition for rehearing.

B121917 Simon
v.
San Paolo U.S. Holding Company, Inc.

Filed order denying petition for rehearing.

DIVISION FOUR (Continued)

B183141 Parvizian
 v.
 California Fair Plan Association

Filed order denying petition for rehearing.

DIVISION SIX

B179465 Heydari et al., (Not for Publication)
 v.
 State Farm Fire and Casualty Company

The judgment is affirmed. Costs on appeal are awarded to respondent State Farm.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B179019 Caro (Not for Publication)
 v.
 State Farm Insurance Companies

The judgment (order granting summary judgment) is affirmed. State Farm is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

December 1, 2005 (Continued)

DIVISION SIX (Continued)

B178129 Alexander-Koger (Not for Publication)
 v.
 State Farm Fire and Casualty Company

The judgment is affirmed. Costs on appeal are awarded to respondent State Farm.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B175857 McDonell (Not for Publication)
 v.
 City of San Buenaventura

The judgment is affirmed. Costs on appeal are awarded to Respondents.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B174223 People v. Allen
B175031 People v. Cristina B.
B177200 People v. Amaya
B177518 People v. Martinez
B177569 People v. Delaine
B178263 People v. Hudson
B179426 People v. Houghton

DIVISION SEVEN (Continued)

Each of the following (continued):

B179695 People v. Campbell
B180796 People v. Banales
B181737 People v. Allen
B182035 People v. Jackson

Argument waived, cause submitted.

B179687 People
 v.
 Cooks

Merits:

Argued by James Koester for appellant and by Dawn Mortazavi, Deputy Attorney General for respondent. Cause submitted.

B182214 People
 v.
 Dotsenko

Merits:

Argued by Anibal Sanchez for appellant and by Jaime Fuster, Deputy Attorney General for respondent. Cause submitted.

B160209 People
 v.
 Seijas

Merits:

Argued by Andrew Flier for appellant and by Jason Tran, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B175998 People
 v.
 Alejo

Merits:
Argued by Gregory Rickard for appellant and by Deborah Chuang, Deputy Attorney General for respondent. Cause submitted.

B181929 Frumin
 v.
 Keime, Inc.

Merits:
Argued by H. Scott Leviant for appellants and by Patrick Kelly for respondent. Cause submitted.

B177404 Fair
 v.
 Williams et al.,

Merits:
Argued by Fannie Mae Fair appellant in propria persona and by David Ozeran for respondents. Cause submitted.

B171603 Torossian
 v.
 Gazarian
 Halajian

Merits:
Argued by Jance Weberman for appellant and by Burdick Ray and Joseph Heath for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B169729 Eagles
 v.
 Albertson's
 The Raymond Corp.,

Merits:

Argued by Nina Scholtz for appellant and by Cynthia McGuinn and Francis LoCoco for respondents. Cause submitted.

Court recessed at 11:32 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B177638 Lopez . Lopez

Argument waived, cause submitted.

B174404 Yaselli et al.,
 v.
 California Insurance Fund Association

Merits:

Argued by Steven Zelig for appellants and by Jacqueline Shulman for respondent. Cause submitted.

B175808 Stafford
 v.
 Dorr

Merits:

Argued by Vangi Johnson for respondent and no appearance for appellants. Cause submitted.

DIVISION SEVEN (Continued)

B177484 Pinner Construction
 v.
 L.A.U.S.D.
 Bernard Bros.

Merits:

Argued by Newton Kellam for appellant and by David Huff and Ted Gropman for respondents. Cause submitted.

B177558 Agnew
 v.
 California State Board of Equalization

Merits:

Argued by S. Jerome Mandel for appellant and by Felix Leatherwood, Deputy Attorney General for respondent. Cause submitted.

Court adjourned.